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**From:** Wade, Alexis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5C9FBA2EF8444572A39185242B70593B-WADE, ALEXIS]  
**Sent:** 1/27/2020 9:42:15 PM  
**To:** Wehling, Carrie [Wehling.Carrie@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Subject:** RE: ICRs and general rulemaking authority?  
**Attachments:** Draft FR notice re assumption and ESA 1-23-20 addressing Dave's comment sak asw.docx

Hi Carrie – Here's the latest draft with our comments. Let us know if you have any additional edits or comments.

Thanks,  
Alexis

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

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**From:** Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Sent:** Monday, January 27, 2020 1:59 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Subject:** RE: ICRs and general rulemaking authority?

I guess I should look at it briefly just to remember what it says....  
Thanks.  
Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Monday, January 27, 2020 12:17 PM  
**To:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Subject:** RE: ICRs and general rulemaking authority?

Carrie,

Just to close the loop, Mark

Ex. 5 AC/DP

**Ex. 5 AC/DP**

Also, Alexis and I are just finalizing our edits to the very slightly modified FR notice before sending it back to OWOW for transmission to Dave. Do you want to see it before we send back? I don't think there are any particular issues that require your input, but let us know if you'd like to take one last look.

Thanks,

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Kupchan, Simma  
**Sent:** Monday, January 27, 2020 11:39 AM  
**To:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Subject:** RE: ICRs and general rulemaking authority?

Great; thanks, Alexis. I will talk to Mark Talty about it.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Sent:** Monday, January 27, 2020 11:37 AM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Subject:** RE: ICRs and general rulemaking authority?

FWIW, I was thinking along the same lines as you Simma on the authority question.

**Ex. 5 AC/DP**

**Ex. 5 AC/DP**

But

CCILO would have a better read on it, I think.

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Monday, January 27, 2020 11:00 AM  
**To:** Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Cc:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** FW: ICRs and general rulemaking authority?

Carrie,

I just emailed CCILO with a few questions about the FL ESA notice. I thought I would also check with you in case you know the answers off the top of your head. Thanks!

First:

Ex. 5 AC/DP

**Ex. 5 AC/DP**

Second:

Ex. 5 AC/DP

**Ex. 5 AC/DP**

Simma Kupchan  
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